IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Crl. Misc. No. 13692-M of 2005

DATE OF DECISION : 20.09.2006

Rajesh Jakhar and another

.... PETITIONERS

Versus

Union of India and others

..... RESPONDENTS

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present: Mr. Hari Om Attri, Advocate,
for the petitioners.

Mr. Vir Bhan, Advocate, for
Ms. Daya Chaudhary, Assistant Solicitor General,
for Union of India.

Mr. Partap Singh, Senior D.A.G., Haryana.

Mr. Gaurav Mohunta, Advocate,
for respondents No.5 and 6.

Mr. Veneet Soni, Advocate,
for respondents No.10 and 11.

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Initially, the petitioners had filed this petition under Article 226/227 of the Constitution of India, which was treated as one under Section 482 Cr.P.C., vide order dated February 26, 2005.

2. This petition has been filed by the petitioners for issuance of direction to register a criminal case against various officers of HUDA on the allegation that they have committed various irregularities and illegalities while making allotment of plots to various citizens in Sectors 9 and 11, Hisar, by way of draw of lots.

3. After hearing the arguments of learned counsel for the parties and going through the record of the case, I do not find any merit in the instant petition.

4. In nutshell, the allegations of the petitioners are that the Haryana Urban Development Authority, Hisar, and its officials have committed various irregularities and illegalities, while making allotment of residential/commercial plots in Sectors 9 and 11, HUDA, Hisar, by draw of lots and even the procedure prescribed in this regard under the Rules was not followed. The contention of the petitioners is that by making illegal allotments of plots to ineligible persons, public at large has been effected, therefore, the petitioners being public men are entitled to file the instant petition seeking direction for registration of criminal case against the guilty persons. Undisputedly, the petitioners themselves have not applied for allotment of any plot. Petitioner No.1 is a practicing lawyer.

5. In the written statement, filed by the respondents, it has been stated that every Rule and Regulation of HUDA was followed while making allotment of plots to the general public. Wide publicity by way of advertisement regarding the date of draw was made. The draw of lots was conducted in presence of the general public and videography of the entire proceedings was done. It has been further stated that the instant petition has been filed by the petitioners with an oblique motive. It has been further disclosed that earlier, one Shri B.S. Bamal filed a criminal complaint on the similar allegations, in which petitioner No.1 was his counsel. It has been stated that the said complaint has already been dismissed. In the petition, totally vague allegations regarding the alleged irregularities have been made.

6. In view of the above, I am of the opinion that the instant petition has been filed by the petitioners only with a purpose to gain publicity. In view of the facts and circumstances of the case, I am not inclined to exercise the inherent power of this Court under Section 482 of the Code of Criminal Procedure for issuing direction for registration of a criminal case on such vague allegations, as in my opinion, the petitioners also have alternative remedy, as has been held by this Court in ***Mithlesh Kumari*** v. ***State of Punjab,*** 2002 (4) RCR (Criminal) 541 and by the Hon'ble Supreme Court in ***Gangadhar Janardan Mhatre*** v. ***State of***

Maharashtra and others, (2004) 7 SCC 768 and ***Minu Kumari and another*** v. ***State of Bihar and others,*** (2006) 4 Supreme Court Cases 359.

Dismissed.

September 20, 2006 **(SATISH KUMAR MITTAL)**
ndj **JUDGE**